

**TITLE 203
PROCEDURAL RULE
WEST VIRGINIA
COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY**

**SERIES 2
OPEN GOVERNMENTAL PROCEEDINGS**

§203-2-1. General.

1.1. Scope. -- This rule establishes procedures for providing notice to the public and the news media of all regularly-scheduled, special and emergency meetings of the West Virginia Courthouse Facilities Improvement Authority.

1.2. Authority. -- W. Va. Code § 6-9A-3.

1.3. Filing Date. -- September 5, 2002.

1.4. Effective Date. -- October 6, 2002.

§203-2-2. Definitions.

2.2. "Authority" means the West Virginia Courthouse Facilities Improvement Authority.

§203-2-3. Notice.

3.1. Regularly Scheduled Meetings -- The Authority shall cause notice of its regularly scheduled meetings to be filed with the office of the Secretary of State for the State of West Virginia for publication in the State Register in a manner to allow each notice to appear in said publication at least five days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and agenda of the meeting.

3.2. Special Meetings -- The Authority shall cause notice of its special meetings to be filed with the office of the Secretary of State for the State of West Virginia for publication in the State Register in a manner to allow each notice to appear in said publication at least five days prior to the date of the meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting.

3.3. Emergency Meetings -- The Authority, may file notice of its emergency meetings requiring immediate official action with the office of the Secretary of State for the State of West Virginia for publication in the State Register at any time prior to such meeting. Notice provided under this section shall include the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.

§203-2-4. Continued Meetings.

4.1. For purposes of this rule, the announcement of continuation at a meeting otherwise noticed hereunder shall be deemed reasonable notice of the reconvening of the continued meeting.

§203-2-5. Additional Notice.

5.1. Nothing in this rule shall prohibit the Authority from providing additional notice for any particular meeting which it deems desirable or necessary, including the practice of causing the notice to be provided to local newspapers, television stations, radio stations and other news media.

§203-2-6. Amendments to Agenda.

6.1. If amendments to the agendas published in accordance with §203-2-3.1 should occur prior to the date of any regularly-scheduled meeting, the Authority shall provide immediate notice of such amendment by posting a copy of the amended agenda at a prominent place at the location where the meeting is to be held.

§203-2-7. Telephone and Electronic Conferences.

7.1. Attendance – Members of the Authority may participate in any regularly-scheduled, special or emergency meeting by telephone conference or other similar electronic means.

7.2. Participation -- At each meeting where a member participates by telephone or electronic means, the presiding officer of the Authority shall convene the meeting and advise the public of the identity of the member participating in said manner. The voice, comments and votes of said member shall be audible to all those personally present at the meeting.

7.3. Voting – Members participating in a meeting of the Authority by telephone or electronic means may cast votes on any matter to be voted upon at the meeting; *provided*, that no member may cast his or her vote by facsimile transmission. Where a majority of the members of the Authority have participated in a meeting by telephone or electronic means, the actions taken at that meeting shall be ratified at the next succeeding regularly scheduled meeting of the Authority, and said ratification shall be placed in the minutes of the meeting. Where less than a majority of the members of the Authority have participated in a meeting by telephone or electronic means, the votes of those members so participating shall be confirmed at the next succeeding regularly schedule meeting of the body, and said confirmation shall be placed in the minutes of the meeting.

§203-2-8. Severability.

8.1. If any word, phrase or provision of this rule is held to be invalid, the remainder of the rule shall, to the fullest extent possible, not be affected by that holding.